

RESOLUTION NO. 87-172

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DELTA, UTAH  
RATIFYING AN INTERLOCAL COOPERATION ACT AGREEMENT BETWEEN DELTA  
CITY AND THE WEST MILLARD RECREATION DISTRICT.

RECITALS

The City Council of the City of Delta, Utah, referred to herein as the "City Council" hereby recites the following as the basis for adopting this resolution:

A. The White Sage Regional Park (the "Park") was constructed by Intermountain Power Agency ("IPA") and dedicated to Delta City to help alleviate the impact resulting from construction of the Intermountain Power Project. The Park was dedicated primarily for public recreation purposes.

B. Major changes have recently occurred in funding recreation facilities and activities in Delta, Millard County, Utah. The most significant change affecting a major public recreation facility in Millard County is the loss of impact alleviation payments from IPA to Delta City to fund the operation and maintenance of the Park and those programs conducted at the Park.

C. As a result of the loss of impact alleviation payment from IPA to Delta City, it has become economically unfeasible for Delta City to continue funding for the operation and maintenance of the Park.

D. The West Millard Recreation District (the "District") will now enjoy a significant increase in tax base and potential tax revenue during 1988 and subsequent years due to completion and commercial operation of the Intermountain Power Project.

E. As the potential revenue available to the District is not available to Delta City, Delta City desires that the facilities, currently owned by Delta City, together with the programs and recreational activities conducted at the White Sage Regional Park, continue for the benefit of all citizens in the West Millard County area.

F. Delta City, by and through its City Council, has determined that it will be in the best interests of the residents of Delta City and will promote the general welfare of its residents to transfer the property known as the White Sage Regional Park to the District for the purpose of operating and maintaining the Park and continuing the current programs and/or other recreational programs for the benefit of the citizens of West Millard County.

29

G. On December 28, 1987, Delta City and the West Millard Recreation District entered into an Interlocal Cooperation Act Agreement, which sets forth the manner in which the White Sage Regional Park, together with certain personal property shall be transferred to the West Millard Recreation District, together with the covenants, conditions and promises associated with said transfer.

H. The City Council has determined that said Interlocal Cooperation Act Agreement, passed on December 28, 1987, shall be formally adopted by resolution pursuant to Section 11-13-5, Utah Code Annotated (1953), as amended.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Delta, Utah:

1. Ratification of Interlocal Cooperation Act Agreement. The document entitled "Interlocal Cooperation Act Agreement", a copy of which is attached hereto as Exhibit "A", by and between Delta City and the West Millard Recreation District is hereby approved and ratified by the City Council of the City of Delta, Utah.

2. Effective Date. This resolution shall become effective upon adoption.

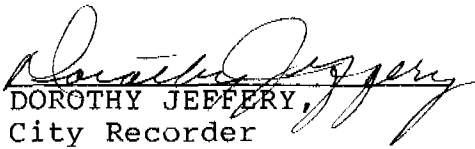
3. Severability. In the event that any provision of this resolution less than the entire resolution is held invalid by a court of competent jurisdiction, this resolution shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this resolution.

4. Repeal of Conflicting Resolutions. To the extent that any resolutions or policies of the City of Delta conflict with the provisions of this resolution, they are hereby amended to be in accordance with the provisions hereof.

PASSED AND APPROVED this 28th of December, 1987.

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RUTH HANSEN, Mayor

Attest:

  
DOROTHY JEFFERY,  
City Recorder